

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

ANDREW JAMES AND JANELL JAMES

PLAINTIFFS

VS.

CIVIL ACTION NO: 4:18-cv-00005-DMB-JMV

CITY OF GREENVILLE, TERRACE WIGFALL,
MICHAEL MUIRHEAD, OFFICER HOOVER,
DAVID MASON, AND MARY MASON

DEFENDANTS

PLAINTIFFS MOTION TO AMEND THE CASE MANAGEMENT ORDER
DEADLINES AND TO CONTINUE TRIAL

COMES NOW, Plaintiffs Andrew James and Janell James, by and through counsel of record, and files this Motion to Amend the Case Management Order Deadlines and Continue Trial, and in support thereof, states as follows:

1. On July 31, 2018, a Case Management Order was entered in this matter which set the Plaintiffs' designation of expert witness due by October 30, 2018 ; and Defendants' designation of expert witness due by November 30, 2018 ; Discovery due by January 30, 2019 ; Amendments/Joinders of Parties due by September 13, 2018 ;and dispositive Motions due by February 15, 2019. [Doc. 27],
2. In its January 15, 2019 Text Order, the Court amended the CMO setting March 1, 2019 as the discovery deadline; March 15, 2019 as the dispositive motion deadline. A non-jury trial was set for August 12, 2019. [Doc. 28]
3. Shortly after the CMO was entered in this matter, Plaintiffs' counsel became ill with symptoms that were initially diagnosed as gout. On August 15, 2018, Plaintiff counsel suffered a sudden onset of illness which he was hospitalized on August 30, 2018. After a lengthy hospital stay, Plaintiffs' counsel was finally

given a diagnosis of Stage 4 Lung Cancer on November 27, 2018. Plaintiffs' counsel is currently undergoing chemotherapy treatment at a medical facility out of the State of Mississippi.

4. Outstanding discovery is needed by the parties to prepare for trial
. The discovery deadline is March 1, 2019 which is not enough time to for the Parties to conduct the necessary discovery to adequately prepare for trial.
5. Plaintiffs respectfully request that the Court extend the current discovery deadline of March 1, 2019 in order to allow the Parties to conclude discovery in this action; to extend the March 15, 2019 motion deadline, and the expert designation deadlines. The extension of the discovery, expert designation deadlines and dispositive motion deadlines may require that the trial of this case currently set for the on August 12, 2019 be continued.
6. Plaintiffs move the Court to modify the CMO as follows:
 - (a) The Plaintiffs expert witnesses shall be designated on or before March 30, 2019.
 - (b) The Defendants expert witnesses shall be designated on or before April 30, 2019,
 - (c) All discovery in this case shall be completed on or before August 30, 2019;
 - (d) All dispositive motions shall be served on or before November 15, 2019; and
 - (e) The August 12, 2019 Trial date be continued.

7. This Motion is not interposed for purposes of delay, but rather so that the interests of justice and judicial economy may be served.
8. Counsel for Plaintiffs has contacted counsel for Defendants via electronic mail to ascertain whether there were any objections to the instant motion. Defendants' counsel has indicated that they will not oppose an extension of discovery deadline, expert designation, the motion deadline and continuance of the August 12, 2019 trial date.
9. Due to the straightforward nature of this Motion, Plaintiffs request that they be relieved of the requirement to submit a supporting memorandum pursuant to L.U.Civ.R. 7(b)(4).

WHEREFORE, Plaintiffs respectfully request that the Court amend the CMO to extend the Plaintiff expert designation deadline to March 30, 2019, Defendant expert designation deadline to April 30, 2019, Discovery Deadline to August 30, 2019, and the Dispositive Motion Deadline to November 15, 2019, that the August 12, 2019 Trial of this matter be continued, and that this Court grant such other, further and different relief as this Court deems fair and just.

This the 21th day of February 2019

RESPECTFULLY SUBMITTED,
Andrew James and Janell James, Plaintiffs
By: /s/ Herbert Lee, Jr.
Herbert Lee, Jr. MSB#8720

OF COUNSEL:

HERBERT LEE, JR., ESQ.
LEE & ASSOCIATES, LLC
2311 WEST CAPITOL STREET
JACKSON, MISSISSIPPI 39209
TELE: 601-355-9895
FAX: 601-355-7955
EMAIL: LASS2311@AOL.COM

CERTIFICATE OF SERVICE

I, Herbert Lee, Jr., do hereby certify that I have this day filed the foregoing with the clerk of the court using the CM/ECF system which sent notification of such filing to the following counsel of record:

G. Todd Butler, MB #102907
Jason T. Marsh MB #102986
4270 I-55 North
Jackson, Mississippi 39211-6391
Telephone: 601-352-2300
Facsimile: 601-360-9777
Email: butlert@phelps.com
marshj@phelps.com

David S. Rounsavall
NOBLE & ROUNSAVALL, PLLC
P. O. Drawer 1498
Greenville, MS 38702-1498
(662) 378-2171
Fax: (662) 335-9049
Email: david.rner@suddenlinkmail.com

Michael S. Carr, Esq.
Carr Law Firm, PLLC
301 West Sunflower Road, Suite D
P.O. Box 1749
Cleveland MS 38732
(662) 441-1529
mcarr@carrlawpllc.com
ATTORNEYS FOR PLAINTIFF

This the 21st day of February 2019.

s/Herbert Lee, Jr
Herbert Lee, Jr